

STATE OF NEW YORK

OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO

Attorney General

Via Fax (212)805-7932

Hon. Theodore H. Katz
 United States Magistrate Judge
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

November 20, 2007

LESLIE G. LEACH
 Executive Deputy Attorney General
 Division of State Counsel

JUNE DUFFY
 Assistant Attorney General in Charge
 Litigation Bureau

Re: Land v Kaufman, et. al.
 07CV8070(GEL)(THK)
Pro Se

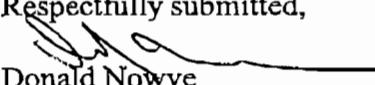
Dear Judge Katz:

This letter is written on behalf of defendants, New York State Corrections Officers David Kaufman and Michael J. Miller, employees of the New York State Department of Correctional Services ("DOCS"), respectfully to request an extension of time until December 21, 2007 to respond to the pro se complaint. Plaintiff, an inmate at Clinton Correctional Facility, alleges in this Section 1983 civil rights action that defendants used excessive force against him during an incident at Green Haven Correctional Facility on June 3, 2005. DOCS records reflect that both defendants were served with the complaint on November 2, 2007.

The extension of time is being requested to enable counsel to obtain from DOCS and Green Haven documents necessary to determine whether to respond to the complaint by means of an answer or by motion to dismiss pursuant to Fed. R. Cv. P. 12(b)(6). No previous requests for such an extension have been made. I did not obtain plaintiff's consent prior to making this application because he is incarcerated.

MEMO ENDORSED

Respectfully submitted,


 Donald Nowve
 Assistant Attorney General
 (212)416-8227

c: Ricky Land
Plaintiff pro se
 DIN # 01A4403
 Clinton Correctional Facility
 P.O. Box 2002
 Dannemora, New York 12929

*The response to the
 complaint will be filed on or
 before December 21, 2007.
 11/21/07 Theodore H. Katz
 USATP*

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